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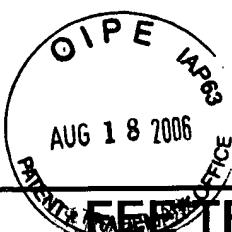
<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) 42390P11508						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</p> <p>August 14, 2006</p> <p>Signature <i>Julie Dussault</i></p> <p>Typed or printed name <u>Julie Dussault</u></p>		<p>In re Application of Bernard Yeh, et al.</p> <table border="1"> <tr> <td>Application Number 09/851,725</td> <td>Filed 05/08/2001</td> </tr> <tr> <td colspan="2">For: METHOD AND APPARATUS FOR MEASURING PERFORMANCE OF A MULTI-COMPUTER COMMUNICATION PROTOCOL ON A</td> </tr> <tr> <td>Art Unit 2144</td> <td>Examiner Greg C. Bengzon</td> </tr> </table>	Application Number 09/851,725	Filed 05/08/2001	For: METHOD AND APPARATUS FOR MEASURING PERFORMANCE OF A MULTI-COMPUTER COMMUNICATION PROTOCOL ON A		Art Unit 2144	Examiner Greg C. Bengzon
Application Number 09/851,725	Filed 05/08/2001							
For: METHOD AND APPARATUS FOR MEASURING PERFORMANCE OF A MULTI-COMPUTER COMMUNICATION PROTOCOL ON A								
Art Unit 2144	Examiner Greg C. Bengzon							
<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$500.00</u></p> <p><input type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: _____</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>								
<p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>								

Based on PTO/SB/31 (04-05) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 11/30/2005.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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500.00 DP



<b>FEES TRANSMITTAL</b> <b>for FY 2005</b>		<i>Complete if Known</i>	
Patent fees are subject to annual revision. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
TOTAL AMOUNT OF PAYMENT		(\$)	
		500.00	
<b>METHOD OF PAYMENT</b> (check all that apply)			
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____			
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>			
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)			
<input type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.		<input checked="" type="checkbox"/> Credit any overpayments	

#### FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051 65	Surcharge - late filing fee or oath
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet.
2053	130	2053 130	Non-English specification
1251	120	2251 60	Extension for reply within first month
1252	450	2252 225	Extension for reply within second month
1253	1,020	2253 510	Extension for reply within third month
1254	1,590	2254 795	Extension for reply within fourth month
1255	2,160	2255 1,080	Extension for reply within fifth month
1401	500	2401 250	Notice of Appeal
1402	500	2402 250	Filing a brief in support of an appeal
1403	1,000	2403 500	Request for oral hearing
1451	1,510	2451 1,510	Petition to institute a public use proceeding
1460	130	2460 130	Petitions to the Commissioner
1807	50	1807 50	Processing fee under 37 CFR 1.17(q)
1806	180	1806 180	Submission of Information Disclosure Stmt
1809	790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify) _____			
SUBTOTAL (2)			(\$)
500.00			

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>		
Name (Print/Type)	Gregory D. Caldwell	Registration No. (Attorney/Agent)	39,926	Telephone (503) 439-8778
Signature				Date 08/14/06